

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

FERMIN CORTEZ, et al.,	)	CASE NO. 8:08-CV00090
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
NEBRASKA BEEF, INC. and,	)	
NEBRASKA BEEF, LTD.,	)	
	)	
Defendants.	)	
_____	)	
	)	
DAVID CHUOL, et al.,	)	CASE NO. 8:08-CV00099
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
NEBRASKA BEEF, LTD.,	)	
	)	
Defendant.	)	

**MOTION IN LIMINE**

**OF NEBRASKA BEEF, LTD., AND NEBRASKA BEEF, INC.**

COME NOW the Defendants, Nebraska Beef, Ltd., and Nebraska Beef, Inc., collectively referred to as "Nebraska Beef," and hereby move, in limine, for an Order preventing evidence, testimony, disclosure or other colloquy of the following during trial, voir dire or in the presence and hearing of any juror selected:

1. To preclude testimony, mention or reference to the events surrounding the investigation of Nebraska Beef that was instituted by the former Immigration and Naturalization Service ("INS") in or around 2000 and to prohibit reference or mention of "employee immigration status," "immigration investigations" or other similar characterizations.

2. To preclude testimony, mention or reference to any other lawsuit, in any jurisdiction, to which Nebraska Beef was, or is, a party including any litigation between Nebraska Beef and the USDA or its employees.
3. To preclude testimony, mention or reference to any recall of products initiated by Nebraska Beef.
4. To preclude Plaintiffs from calling more than 20 fact witnesses to testify at trial and requiring them to identify, at the pretrial conference, which witnesses they will call to testify at trial.
5. To preclude any discussion, testimony, questions or colloquy by Plaintiffs' experts of any opinions not disclosed in Plaintiffs' designation of expert witnesses and accompanying reports, answers to interrogatories, or the records of Plaintiffs' experts as such information is considered surprise and unfairly prejudicial.
6. To preclude any testimony, mention or reference to the "collective bargaining," "union" or similar status of employees at Nebraska Beef.
7. To preclude any testimony, mention or reference to Nebraska Beef's "moral" or "ethical" obligations to "adequately" pay its hourly production employees (or words of similar effect).
8. To preclude testimony, mention or reference to Nebraska Beef's Agreement Permitting Visitor Access for the reason it is irrelevant and unfairly prejudicial to Nebraska Beef.
9. To preclude testimony, mention or reference to Nebraska Beef's Policy regarding Family and Medical Leave Act of 1993 for the reason that it is irrelevant.
10. To preclude testimony, mention or reference to Nebraska Beef's HACCP Plan for its Fabrication Department for the reason that it is irrelevant and proprietary.

11. To preclude testimony, mention or reference to Nebraska Beef's HACCP Plan for its Slaughter Department for the reason that it is irrelevant and proprietary.

12. To preclude testimony, mention or reference to Nebraska Beef's SSOP Program for the reason that it is irrelevant and proprietary.

13. To preclude testimony, mention or reference to any status report from Rust Consulting for the reason that they are inadmissible hearsay and irrelevant.

14. To preclude testimony, mention or reference to any Declaration submitted by Plaintiffs in this case for the reason that they are hearsay.

15. To preclude testimony, mention or reference to Nebraska Beef's Disclosure of Corporate Affiliations, Financial Interest, and Business Entity Citizenship for both Nebraska Beef, Ltd., and Nebraska Beef, Inc., for the reason that they are irrelevant.

16. To preclude testimony, mention or reference to Plaintiffs' Complaints or Amended Complaints in these consolidated cases for the reason that they are hearsay and unfairly prejudicial.

17. To preclude testimony, mention or reference to Opt-in forms, Consent forms, or Claim forms.

18. To preclude testimony, mention or reference to the mailed or published, in any medium, Notices of Class Action and Collective Action for the reason that they are hearsay, irrelevant and unfairly prejudicial.

19. To preclude testimony, mention or reference to the jobs performed at Nebraska Beef's facilities as, for example, "Grueling," "Dirty," "Dangerous," "Low Paying," or other similar characterizations which are derisive of the work performed.

20. To preclude testimony, mention or reference to other lawsuits or evidence of settlements involving other meat processing companies for the reason that such evidence is irrelevant and unfairly prejudicial.

21. To preclude testimony, mention or reference to Nebraska Beef's revenues, net worth or similar evidence as such evidence is irrelevant and unfairly prejudicial.

WHEREFORE, Nebraska Beef respectfully requests an Order, in limine, prohibiting the mention of the above topics.

DATED this 14th day of May, 2010.

NEBRASKA BEEF, INC., and NEBRASKA  
BEEF, LTD., Defendants,

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### CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of May, 2010, I served the foregoing Motion in Limine on the following individuals listed below via email:

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